



**LA PORTE COUNTY
BOARD OF COMMISSIONERS**

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**Sheila Matias
President**

**Dr. Vidya Kora
Vice President**

**Richard Mrozinski
Member**

**LA PORTE COUNTY COMMISSIONERS MEETING MINUTES
Wednesday, September 2, 2020 La Porte County Complex Meeting Room 3 at 10:00 a.m.
via ALCO and Zoom**

President Sheila Matias called the meeting to order at 10:00 a.m. followed by the Pledge of Allegiance.

Executive Assistant Diane Gonzales called the roll: Commissioner Matias - Present; Commissioner Kora - Present; Commissioner Mrozinski - Present. Quorum present therefore meeting commenced.

Considered the agenda. **Commissioner Kora** motioned to accept the agenda. **Commissioner Mrozinski** seconded. **Motion carried.**

Considered approval of August 19, 2020 minutes. **Commissioner Kora** motioned to approve. **Commissioner Mrozinski** seconded. **Motion carried.**

Executive Assistant Diane Gonzales read the claims with Payroll ending 8/28/2020 - \$1,188,189.23 and Miscellaneous claims in the amount of \$1,806,402.54. **Commissioner Kora** motioned to approve. **Commissioner Mrozinski** seconded. **Motion carried.**

Public Comment

Joe Haney – 2695 W. Joliet Road La Porte – said, “I have one quick question here as far as procedure here this morning – is there a court that’s been established in this specific building that we’re in right now? Is there a court being held?” **Attorney Shaw Friedman** replied, “Yes, Superior Court 2.” **Mr. Haney**, “Superior Court 2? And they’re in this building not the adjoining building?” **Attorney Friedman**, “That’s right, they’re in this building and I think I can anticipate where you’re headed. I believe the Sheriff’s department has made provisions so there are no cell phones in or near that court but cell phones are permitted in the balance of the building.” **Joe** replied, “Sure - okay and as far as - is this room, for example, considered a sterile area as part of that court or because to enter this room they are pretty much routing everybody through the courthouse.” **Attorney Friedman** responded, “I know but those who are going to the court are specifically - and I’ll let the Sheriff address that because we’ve talked about the process on that so I think he can perhaps detail it a little bit more in terms of how we are preventing cell phones from entering the court.” “Sure, sure,” **Joe** said, “and I understand maintaining the integrity of the court room both from a cellular phone stand point, recording stand point as well as prohibiting illicit weapons in the courthouse itself. This building generally speaking though has not been a courthouse and this would not be considered a sterile area of the courthouse so and in that regard...” **Attorney Friedman**, “Are you talking sterile from health considerations?” **Joe**, “Sterile as far as from a weapons standpoint. Indiana State Code is very specific on the carry of firearms and the prohibitions that are put on municipalities, governments and counties from restricting access to buildings and preventing the carry of firearms and I’m concerned that we are running a fowl of those state laws.” **Attorney Friedman**, “You’re concerned that you are not able to bring your gun into the Commissioners’ room, is that it? “That would be one example; correct.” said **Mr. Haney**, “There’s a number of them but that would be one.” **Attorney Friedman** responded, “I’ll let the Sheriff address that, I mean he’s got an entire security department that deals with courthouse security so perhaps we can have when the Sheriff gives his report he can talk a little

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bit more about the security that's been used." **Mr. Haney**, "Sure, yeah and again this isn't to deal with the courthouse, that's a specific issue which is covered under state statute very well, this is for the government buildings and municipalities that are prohibited from infringing upon people's second amendment rights as well as section 32 of the Indiana State Constitution." **Attorney Friedman**, "Mr. Haney, no one is intent on infringing on anyone's second amendment rights but at the same time the Sheriff's department has an interest in securing any weapons from coming in or near the courts so that's your...I'll let him address that." "Excellent", said **Joe Haney**, "my actual main point for stepping up here today other than encountering that this morning here was – again I see back on the agenda today is the streaming tax proposal here supporting that – again I'm going to keep it short because my comments last time went a little long." **Attorney Friedman**, "And perhaps you may want to – it's not on the agenda for action. There's an update which my office will be providing." **Joe Haney** said, "To cut my comments short perhaps are you considering moving forward with that or dropping it?" **Attorney Friedman**, "It is not our recommendation at this point. You'll get some more report in terms of what our research has shown." **Joe Haney**, "Excellent. Alright, well very well then, I won't take up too much more of your time then on that. I do believe that it is frivolous. I do - I am opposed to raising taxes and you know, if the county, the state, you know, has no business of interfering with how the ones and zeros get transmitted across our broadband lines so...and if the state legislature wanted to address that they would have, they've had plenty of time to do that and they've shown no interest in doing that when it comes to streaming services so – Thank you. Have a good morning."

Spencer England – 516 E Street La Porte – "The only reason I stepped up here was because I had heard yesterday about possibly naming a couple bridges after a couple of individuals here in La Porte. I just brought some paperwork here and hope for consideration the Council will look at possibly looking at 110 members of the Medal of Honor recipients here in the State of Indiana that I believe also deserve to be looked at for those opportunities and I have these here if you or someone would like it." President Matias said to give the list of names to Diane, Administrative Coordinator, and later in the meeting the process for nomination of names will be addressed.

Department Reports/Department Head Comments

Tony Mancuso, Health Department Director – Update on testing at the Civic Auditorium in La Porte. End of September will be the last day at this site. Hours are Monday through Friday 8am-8pm. Possibly Health Department will do the testing. Tony emphasized to the public to make an appointment which is quicker for an individual to get tested then just walking in. President Matias asked Tony to explain the process of making an appointment. Tony stated there is a hotline to call if you want to get tested for the Covid virus, you will be given a number to turn in when you arrive at the Civic in La Porte and be seen right away versus walking in without a number which would take longer. Hotline number is listed on the Health Department's webpage. Tony reported on the school events and festivities taking place throughout the county. Schools are looking at their sporting events and turning plans into the Health Department. All looks good with social distancing taking place. Commissioner Vidya Kora asked IT Director to locate the hotline number on the webpage which she did during the meeting. #1-888-634-1116 to schedule a test at the Civic Auditorium in La Porte until the end of September. No doctor's orders required. If you have insurance please provide it but no charge for the visit.

John Boyd, Sheriff – Responded to the concern brought up by Mr. Haney. "This is something we had communicated with several weeks ago regarding now the relocation of Superior Court 1 (corrected as 2) into this building. You know for a number of years Superior Court 3 had been in this building which defined it then therefore as a courthouse but with Superior 1 being relocated out of the Michigan City Superior Courthouse and into the basement we now have a special set of considerations so" – Attorney Friedman corrected Superior Court 2 – "I'm sorry, Superior 2, yes" Sheriff Boyd said. "Superior 1 will be moving over here though – we've got a lot on our plate as far as courts moving around so I apologize but Superior 2 *is now* in the basement for about a two year period until the renovation is completed over in Michigan City and it's its new temporary/permanent home. With that being said we also know that it's important that the public be allowed access to a public meetings, government meetings in this room and the adjoining room as well and them being able to have their recording devices here so what we've established is the fact that the public will be allowed

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into the complex with a recording device so that they can attend a public meeting – they merely when they arrive tell courthouse security that that’s their desire is to get into a public meeting here however we will not allow recording devices in the basement or near the curtilage of the Superior Court 2, with that being said there’s going to be a unique set of circumstances and it’s somewhat fluid maybe next week perhaps in two weeks, maybe you know better than I, I think that may be changing as we speak there is another meeting taking place regarding the relocation of some of the courtrooms that Superior Court 1 will be temporarily relocated into this very room and therefore there will be no recording devices or firearms allowed in the curtilage or certainly within this courtroom once that’s established. We think that will be for about a two week period and then they will be moving over to the Brown Mackie building also so I hope that that answers your questions and your concerns (turning to Mr. Haney) and Mr. Haney you are certainly welcome to give me a call if you have any questions or concerns relating to that – you’re welcome.” Sheriff Boyd then spoke on Bolt for the Heart Race 2020, “On September 27th which is a Sunday the La Porte County Sheriff’s office, Franciscan Health ‘Bolt for the Heart’ and the ‘Play for Jake’ foundation will be hosting a family 5K event and a half marathon in Michigan City. We would like permission to close Lake Shore Drive between 7:30am and noon that day from Stop 32 to the State Line. We have also been in talks with the city of Michigan City, the town of Long Beach, the town of Michiana Shores because that – those running routes will affect those towns and they’ve agreed to road closures there as well. This is all part of an effort to raise money so we can place AED’s in all patrol cars in La Porte County. To date the Sheriff’s office has been partnering with Bolt for the Heart, last year as you may remember we had our inaugural 5K that happened here in La Porte County in Washington Park and we were able to raise enough revenue that we were able to place 14 AED’s in our patrol cars. So we’re hopeful that we’re going to have a very big turnout that day, it will be a large event, it will be staggered. We’ve been working with the Health Department as well and they’ve given us permission to go ahead with it and we’re going to be having staggered runs but not only do we hope that you will give us permission to close that portion of Lake Shore Drive for the road race that morning but we also hope that we can raise public awareness and perhaps there will be people that will be interested in coming out and participating. They can get involved in the half marathon by going to Bolt for the Heart on the internet. It’s a \$70 registration. There’s also as I mentioned a 5K walk and run, that’s a \$35 registration. They can do a ‘Play for Jake’ registration which will not only give them some ‘garb and bling’ to wear but also register them for the various races that they may be involved in. They can get involved in a virtual race and that’s really big where they can make a \$20 donation and pledge to do a 5K at some point on their own or they can make a donation only and they can go to Bolt for the Heart for that and it is a 501c3 organization. One of the things we’re really proud of is the fact that all of the money, 100% of the money that we raise here in La Porte County will stay here in La Porte County and won’t go anywhere else. So we’re about a quarter of the way towards accomplishing our goal at the Sheriff’s office but of course our goal is to equip all of the patrol cars in La Porte County with AED’s because quite frankly often times we are the closes first responders to somebody suffering from cardiac arrest.” **Commissioner Kora thanked Sheriff Boyd for his leadership. Commissioner Kora motioned to approve. Commissioner Mrozinski seconded. Motion carried.**

Tony Rodriguez – Director of Office and Community Economic Development – Second round of small business assistance in the amount of \$250,000 for rural businesses, a much needed lifeline for La Porte County’s unincorporated small business community, will be promoted soon on the county website. President Matias thanked Tony Rodriguez and Bailey McGrath for their work on obtaining half a million dollars for our county in grants due to the virus.

Larry Butcher – Director of Emergency Management – Currently a good supply of PPE on hand. Larry thanked Steve Alt for keeping the webpage current. If any departments need PPE please contact the EMA office. Larry thanked the Commissioners and county attorney for their support.

Steve Alt – Director E-911. While doing quality assurance Steve wants to remind the public that CDC questions will be asked when calling 911. There will be no delay for responders but the questions are important. Steve also announced to the public that an intercom is available now at the beach in Michigan City

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for safety reasons. Director Alt publicly thanked all of the hard working dispatchers during this time of the coronavirus.

Andrew McGuire – EMS Director – Commented on Medicare reimbursement program in which they received for the 2017 year \$41,126.84. Andrew thanked Karen Parkerson, Office Manager, for the great job she does by putting in countless hours, compiling data and filing all of the required reports.

Requests

Considered agreement for EMS to assist La Porte Hospital during the move to their new facility. Andrew stated the move will take place October 24th. Two ALS staff ambulances, personnel members and a manager to assist the hospital during the move. A contract was reviewed by Attorney Friedman and our insurance carrier between EMS and the La Porte Hospital which was approved. **Commissioner Kora motioned to approve the request. Commissioner Mrozinski seconded. Motion carried.**

Considered permission to approach the council for budget shortages in fuel/overtime accounts and annual computer replacement program – Andrew McGuire, EMS Director. Andrew stated each account is \$15,000 short. Overtime due to the virus is at approximately \$18,000. For the computers 8 will be replaced with the help of IT. Some of the computers are 7 years old. Cost for the 8 computers is \$22,000. **Commissioner Kora motioned to approve the request. Commissioner Mrozinski seconded. Motion carried.**

Old Business

Considered update on streaming services franchise fees lawsuit filed by Cities of Valparaiso, Indianapolis and Evansville. **Attorney Shaw Friedman**, “We are continuing to research per commission direction to see how the Creve Coeur, Missouri case goes before coming back to this commission. That’s the case that first inspired Valparaiso, Indianapolis and Evansville to file suit in this state. Valid issue is whether any court or utility commission, even if they do fine jurisdiction exist over streaming services – and there’s still an open question on that – will order that the franchise fees should be borne by a company’s shareholders rather than rate payers. For instance we have seen the utility regulatory commission in Indiana order that shareholders pick up certain expenses rather than rate payers but it is unknown what would happen in this particular case. So until we can assure rate payers that their bills won’t simply be hiked to pay for additional franchise fees you may want to indefinitely table the prospect of intervening in this particular suit. Keep in mind too, this commission has a long, long successful history of protecting rate payer interest. You’ve done that for 20 years on utility cases and certainly we’re not going to recommend anything that could potentially hike rate payer bills. So we want to monitor the Cree Coeur, Missouri case and we’ll report back to you on status of that before recommending intervention.” **Commissioner Kora motioned to table this indefinitely. Commissioner Mrozinski seconded. President Matias**, “I couldn’t agree with more.” **Motion carried to table indefinitely.**

New Business

Considered authorizing change orders as per Tonn & Blank request. Brien Delich, Project Manager for Tonn & Blank Construction on the Michigan City Courthouse Project. Two change orders reflecting the changes in the two bidding categories: Change order 002 and Change order 003. Auditor Winski, via Zoom, stated Tonn & Blank have been doing a great job and thankful to be working with them. **Commissioner Kora motioned to approve the change orders. Commissioner Mrozinski seconded. Motion carried.**

Considered authorizing start-up of bridge-naming program authorized by Resolution 2019-14 with naming Johnson Road bridge over I-94 after late Michigan City Mayor Cliff Arnold and Johnson Road bridge over I-80 Toll Road named for former Sheriff and State Senator Jim Arnold. **Attorney Friedman**, clarified this is the ‘start-up’ of the process of this program and not the actual naming today. **Shaw**, “These are the first two nominations that have been made and if you go back to the resolution that you authorized 2019-14, you authorized the process for the naming of bridges. As you recall there was an effort a few years ago, a successful effort to lobby the legislature to name the overpass the Simcox overpass in honor of Ed Simcox, our former Secretary of State who was successful in 1977 of bringing the money home to help underwrite the overpass.”

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A committee will be established. **Commissioner Kora motioned to approve. Commissioner Mrozinski seconded. Motion carried.**

Considered USI Consultants for on-call design, survey and right of way for urgent contract situations requiring immediate response – Ben Beer, John Smith, USI. **Commissioner Kora motioned to approve the request. Commissioner Mrozinski seconded. Motion carried.**

Considered full and final resolution of Twin Acres subdivision litigation – *Martin et al. v. Koselke et al.* - with contribution by county of \$30,000 with other parties contributing \$20,000 toward settlement amount of \$50,000.00. \$10,000 paid by John Sanchez and \$10,000 paid by Scott Koselke. **Commissioner Kora motioned to approve. Commissioner Mrozinski seconded. Motion carried.**

Considered resolution to proceed with due diligence on potential acquisition of storage facility at 507 Monroe Street, La Porte for PPE and related equipment - reimbursable from CARES Act funds.

Commissioner Kora motioned to approve. Commissioner Mrozinski seconded. Motion carried.

*****Resolution 2020-20**

Considered resolution of support for grant funding through NIRPC for Regional Greenhouse Gas Emissions Inventory, a project of Indiana University’s Sustainability Development Program – Nancy Moldenhauer, Chair, Michigan City Sustainability Commission. **Commissioner Kora motioned to approve. Commissioner Mrozinski seconded. Motion carried. ***Resolution 2020-21**

Commissioner Comments

Commissioner Rich Mrozinski said, “Today, September 2nd, 75th anniversary, September 2, 1945 when the Imperial Japanese surrendered and ended World War II, hallelujah. They signed it on the USS Missouri.” Rich stated, “September 11th is coming up, I think we all remembered where we were September 11, 2001. Nineteen years ago. It has been renamed as Patriot’s Day. I would urge everyone to fly your flag at half-staff.”

Commissioner Vidya Kora echoed Commissioner Mrozinski’s thoughts and wished everyone a Happy Labor Day weekend. Thanked friends with organized labor for all they do to keep our communities strong and our country strong.

Commissioner Sheila Matias reminded all to go to the county website to get an absentee ballot and/or register to vote. Commissioner Matias spoke about the launching of the county website on March 4th and since that date 375,000 unique page viewers have visited the site. Sheila thanked all teachers. Schools have opened since our last meeting and teachers are having to teach this year differently due to the Covid-19 virus.

President Sheila Matias adjourned at 11:16 a.m.

EXAMINED AND APPROVED BY THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF LA PORTE, INDIANA
DATE: 9-16-2020 *Sheila Matias*

[Handwritten signature]

ATTEST: _____

Auditor
LA PORTE COUNTY, INDIANA

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